REMARKS

This application has been amended in a manner that is believed to place it in condition for allowance at the time of the next Official Action.

Claims 10-30 are pending in the application. Claim 10 has been amended to recite that the active ingredients are selected from the group consisting of starches, starch derivatives, sugars, strong sweeteners, enzymes, vitamins, and pharmaceutical active principles. Support for the change to claim 10 may be found in claims 11-16 and in the present specification at page 13, lines 15-20; page 13, lines 34-39; and page 14, lines 9-14. New claims 24-30 have been added. Support for new claims 24-30 may be found generally throughout the specification and in the original claims.

In the outstanding Official Action, claim 10 was objected to for reciting the phrase "said branched maltodextrins content is of between". However, as suggested by the Examiner, claim 10 has been amended to recite "said branched maltodextrins content is between". Applicant thanks the Examiner for his suggestion as how to overcome the objection.

Claims 10-23 were rejected under 35 USC §103(a) as allegedly being unpatentable over TSUKUDA et al. in view of FOUACHE et al. This rejection is traversed.

TSUKUDA discloses a dispersible soy protein granule having a surface coated with a "not readily digestible" carbohydrate (see paragraph [0021]). In order to obtain the soy protein granule, TSUKUDA granulates powdery soybean protein by spraying the powdery soybean protein with an aqueous solution containing the "not readily digestible" carbohydrate. Thus, TSUKUDA is concerned with obtaining a soy protein granule coated with a thin layer of indigestible carbohydrate. TSUKUDA is not directed to a method of preparing granules of active substances with branched maltodextrins as recited in the claimed invention.

In an effort to remedy the deficiencies of TSUKDA for reference purposes, the Official Action cites to FOUACHE. FOUACHE discloses a branched maltodextrin.

However, the publications do not disclose or suggest granulating active substances selected from the group consisting of starches, starch derivatives, sugars, strong sweeteners, enzymes, vitamins, and pharmaceutical active principles (see independent claims 10, 24, and 30).

TSUKUDA does not use the "not readily digestible" carbohydrate as a granulation binder. Rather, TSUKUDA applies the "not readily digestible binder" to the surface of the granule. Soybean proteins already have excellent granulation capacities. As a result, a granulation binder is not required and it can not be said that either publication suggests

granulating a mixture of active substances and branched maltodextrins.

As soybean protein is an essential feature of TSUKUDA, one skilled in the art would have lacked the motivation to replace soybean proteins with an active substance that exhibits little or no particular capacity for granulation as recited in the claims (e.g., starches, starch derivatives, sugars, strong sweeteners, enzymes, vitamins or pharmaceutical active principles).

Indeed, not all carbohydrates may be used as a granulation binder. This is explained in the specification at page 12, lines 31-35:

> [A]s is known by specialists in the technical field of powder granulation, it is essential for the granulation binder to have an excellent capacity for dispersion in solution and a viscosity suited to the technical constraints of the materials used.

The present specification shows in Table 1 on page 18 that solutions containing the branched maltodextrins recited in the claims are more viscous than solutions containing other soluble fibers such as Pine Fiber as disclosed by TSUKUDA (see TSUKUDA, paragraph [0055]). Surprisingly and unexpectedly, applicant ahs discovered that this viscosity does not in any way impair the formulation of the active substances, whatever the granulation method chosen (present specification pg. 13, lines 5-10). It is believed that Examples 1-4 in the specification show that granulating active ingredients with the recited branched

maltodextrins as granulation binders makes it possible to obtain granules for which the flow capacity, the density and the compressibility are in accordance with what can be expected from known granulation binders. This allows one skilled in the art to utilize the dietary fiber properties exhibited by the branched maltodextrins in addition to their unexpected capacity to act as granulation binders.

Thus, the incorporation of the branched maltodextrins into a mixture with active substances, which exhibit little or no particular capacity for granulation, makes it unexpectedly possible to prepare granules having both excellent mechanical properties and physical properties.

Accordingly, applicant respectfully submits that the proposed combination of TSUKUDA in view of FOUACHE fails to render obvious the claimed invention.

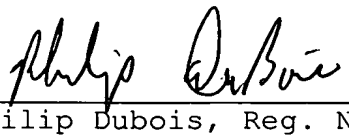
In view of the present amendment and the foregoing remarks, therefore, applicant believes that the present application is in condition for allowance at the time of the next Official Action. Allowance and passage to issue on that basis is respectfully requested.

Please charge the fee of $50 for one extra dependent claim added herewith to our credit card set forth in the attached Credit Card Payment Form.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON



Philip Dubois, Reg. No. 50,696
209 Madison Street, Suite 500
Alexandria, VA 22314
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

PD/lrs